

**§ 810.1001**

**7 CFR Ch. VIII (1–1–16 Edition)**

bulblets in 1,000 grams of mixed grain; or

(2) Any other mixed grain that contains 4 or more green garlic bulblets, or an equivalent quantity of dry or partly dry bulblets, in 500 grams of mixed grain.

(d) *Smutty mixed grain.* (1) Mixed grain in which rye, triticale, or wheat predominates, and that contains 15 or more average size smut balls, or an equivalent quantity of smut spores in 250 grams of mixed grain, or

(2) Any other mixed grain that has the kernels covered with smut spores to give a smutty appearance in mass, or that contains more than 0.2 percent smut balls.

(e) *Treated mixed grain.* Mixed grain that has been scoured, limed, washed, sulfured, or treated in such a manner that its true quality is not reflected by the grade designation U.S. Mixed Grain or U.S. Sample grade Mixed Grain.

[52 FR 24418, June 30, 1987, as amended at 52 FR 24441, June 30, 1987]

**Subpart G—United States Standards for Oats**

**TERMS DEFINED**

**§ 810.1001 Definition of oats.**

Grain that consists of 50 percent or more of oats (*Avena sativa* L. and *A. byzantina* C. Koch) and may contain, singly or in combination, not more than 25 percent of wild oats and other grains for which standards have been established under the United States Grain Standards Act.

**§ 810.1002 Definition of other terms.**

(a) *Fine seeds.* All matter that passes through a  $\frac{5}{64}$  triangular-hole sieve

after sieving according to procedures prescribed in FGIS instructions.

(b) *Foreign material.* All matter other than oats, wild oats, and other grains.

(c) *Heat-damaged kernels.* Kernels and pieces of oat kernels, other grains, and wild oats that are materially discolored and damaged by heat.

(d) *Other grains.* Barley, corn, cultivated buckwheat, einkorn, emmer, flaxseed, guar, hull-less barley, nongrain sorghum, Polish wheat, popcorn, poulard wheat, rice, rye, safflower, sorghum, soybeans, spelt, sunflower seed, sweet corn, triticale, and wheat.

(e) *Sieves*—(1)  $\frac{5}{64}$  triangular-hole sieve. A metal sieve 0.032 inch thick with equilateral triangular perforations the inscribed circles of which are 0.0781 ( $\frac{5}{64}$ ) inch in diameter.

(2)  $0.064 \times \frac{3}{8}$  oblong-hole sieve. A metal sieve 0.032 inch thick with oblong perforations 0.064 inch by 0.375 ( $\frac{3}{8}$ ) inch.

(f) *Sound oats.* Kernels and pieces of oat kernels (except wild oats) that are not badly ground-damaged, badly weather-damaged, diseased, frost-damaged, germ-damaged, heat-damaged, insect-bored, mold-damaged, sprout-damaged, or otherwise materially damaged.

(g) *Wild oats.* Seeds of *Avena fatua* L. and *A. sterillis* L.

**PRINCIPLES GOVERNING THE APPLICATION OF STANDARDS**

**§ 810.1003 Basis of determination.**

Other determinations not specifically provided for under the general provisions are made on the basis of the grain as a whole.

**GRADES AND GRADE REQUIREMENTS**

**§ 810.1004 Grades and grade requirements for oats.**

Grade	Minimum limits—		Maximum limits—		
	Test weight per bushel (pounds)	Sound oats (percent)	Heat-damaged kernels (percent)	Foreign material (percent)	Wild oats (percent)
U.S. No. 1 .....	36.0	97.0	0.1	2.0	2.0
U.S. No. 2 .....	33.0	94.0	0.3	3.0	3.0
U.S. No. 3 <sup>1</sup> .....	30.0	90.0	1.0	4.0	5.0
U.S. No. 4 <sup>2</sup> .....	27.0	80.0	3.0	5.0	10.0